

REMARKS

The application has been amended and is believed to be in condition for allowance.

Claims 12-24, 26 and 27 have been withdrawn from consideration.

Claims 26-27 have been cancelled. Claims 29-30 are new and supported by language in the specification. Claim 29 is based on claims 1 and 25. Claim 30 is based on claim 4.

Claim 1 has been amended consistent with the specification and drawing figures. See the first paragraph of specification page 13 which discloses:

"Referring to Figure 10, at the rear of the rack (i.e. the end opposite to the one used as the usual entrance for pallets) there is a rear stop/lip 48. This is an L-shaped bracket of roughly the same width as the rails 12, fitted in an upside down orientation onto the rear end of the rails 12. The vertical flange 49 of the stop 48 protrudes into the intended path of the pallet at the end of the rail. The horizontal flange 50 of the stop 48 overlies the rear end of the rail and helps constrain vertical movement of the pallet and thus prevent the pallet being displaced off the rack."

The drawings were objected to for not showing the gate member protruding into the path of the pallet (claims 4-8) and for not showing the clamping member being located parallel to the rails (claim 11).

Claim 4 recites gate members (21) located near the support loading end, the gate member being movable between a locking position protruding into the path of the pallet at or near the support loading end and a release position clear of the path.

From specification pages 10-11 it is disclosed that Figures 6 and 7 illustrate a framework/rack 13 with rails 12. The exposed face of each upright 20 at the front of the framework has two L-section flaps 21 hinged thereto extending over the full length of the upright. They are side-by-side and back-to-back, the hinging being along the edges of the narrower flanges so that the wider flanges can each be swung between a position blocking the adjacent ends of the rails 12 (as shown for the central bay) and a position projecting outwardly from the upright 20 where they do not obstruct any rails (as shown for the lateral bays).

This arrangement allows for re-setting the heights of the rails 12 without the need to attend to this safety measure. The width of the narrow flanges and the spacing of the hinges on each upright can be such that only one flap per upright can be fully opened at any one time. The pallet includes rubber bumpers 29 located near each side of its front end which can come into contact with the adjacent surface of the flaps 21 when they are in their locking position to reduce potential damage.

As indicated above, the drawings show that which is recited and therefore no drawing amendment is believed necessary.

If this is not fully responsive, it is requested that the undersigned attorney be telephoned to be afforded an opportunity to better understand any remaining issue.

Claim 11 recites the clamping member (30) is located parallel with the rails (12).

See that Figure 8 shows the clamping member 30 being parallel with the illustrated rail 12.

As indicated above, the drawings show that which is recited and therefore no drawing amendment is believed necessary.

Withdrawal of the drawing objection is therefore solicited.

Claims 1-11 and 28 were rejected as indefinite under section 112, 2<sup>nd</sup> paragraph.

The claims have been amended to remedy the stated bases of rejection. Withdrawal of the indefiniteness rejection is therefore solicited.

Claims 1-11, 25 and 28 stand rejected as anticipated by De FRONDEVILLE et al. 5,735,661.

Applicant respectfully disagrees.

Claim 1 recites two parallel opposed substantially horizontal rails (12), whereas De FRONDEVILLE discloses rails 41 that are inclined to facilitate sliding of the packages 30 (column 5, lines 1-3).

The rails 41 of the applied reference do not receive (are not spaced and adapted to receive) opposed side edge

portions of a pallet moved in a substantially horizontal plane between the rails. The rails 41 are attached to the vertical posts at corners of the rack (column 4, lines 62-64), which would block any attempt to move a pallet as recited onto the rails. Instead, the trays are supported on the rollers 62 that extend between the pairs of rails and the trays are not received on the rails themselves.

Note further that claim 25 recites the pallet itself. The applied reference does not disclose apparatus/rails supporting a pallet with the opposed side edge portions of each pallet directly supported by the rails. The applied reference only applies to box-like trays 29, and the trays are not supported as recited.

Still further, claim 1 recites members adapted to engage the upper surface of a supported pallet. The Official Action has offered transfer carriage 37, but at no point does any part of the carriage 37 engage the upper surface of one of the trays, as can be seen in the operating sequence of Figures 9-16.

From the above it is clear the claim 1 is not anticipated. Reconsideration and allowance of claim are respectfully requested.

The dependent claims are allowable at least for depending from an allowable claim. Allowance of these claims is also solicited.

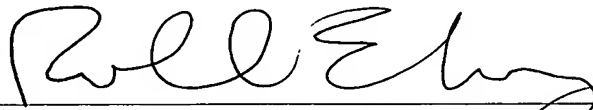
Claims 29-30 are believed allowable for the reasons

outlined above and in that the reference does not disclose the recited combination of features.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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